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	7590	02/09/2005	EXAMINER

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ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
		09/965,262	CHURCH, DIANA L.
Office Action Summary		Examiner	Art Unit	
		Yogesh C Garg	3625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/18/2001*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance
with 37 CFR 1.67(a) identifying this application by application number and filing date is
required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration has reviewed and
understands the contents of the specification, including the claims, as amended by any
amendment specifically referred to in the oath or declaration. (Note: The submitted
Oath/Declaration did not include the portion "as amended by any amendment specifically
referred to in the oath or declaration ".

Drawings

2.   The informal drawings are not of sufficient quality to permit examination.
Accordingly, new drawings are required in reply to this Office action conforming to 37
CFR 1.84(g), 1.84(i), 1.84(m), 1.84(p).

Specification

3.   The abstract of the disclosure is objected to because of undue length. The
abstract should be limited to 25 lines/150 words or less. Correction is required. See
MPEP § 608.01(b).

Claim Objections

4.   Claims 19-21 and 30 are objected to because of the following informalities:

Regarding claims 19 and 30, and with reference to their limitation,

"communicating the selected at least one raw material to the first terminal ", one cannot

communicate a raw material through the communication network. Keeping in line with

the disclosure (see specification page 7, line 3-page 8, line 13) selected information

about the raw material is communicated. The examiner suggests to correct the claim as

"communicating the selected information associated with the at least one raw material to

the first terminal ". Since claims 20-21 are dependencies of claim 19 they will inherit the

same deficiency. Appropriate correction is required. For prior art rejection, claims 19-21

and 30 would be treated with the suggested correction.

Claim Rejections - 35 USC § 102

5   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country

or in public use or on sale in this country, more than one year prior to the date of application for patent

in the United States.

5.1.   Claims 1-4, 7-11, 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated

by Hoffer (US Patent 5,799,151)

Regarding claim1, Hoffer discloses a system for the exchange of at least one

raw material, the system comprising:

means for data storage having a database thereon, the database comprising a

name identifier and at least one criterion associated with each of the at least one raw

material (see at least FIG.1, "...*MEMORY AND STORAGE 1.10,* " corresponds to a

means for storage. and

"*INDICES 1.6*" in FIG.1 and "...HTS Index 2.8....SIC Index 2-9" in FIG.2,, correspond

to a database storing HTS and SIC codes. Also see col. 10, line 45-col.11, line 5,

"...*containing programs to configure apparatus-specific topic-boards [i.e. TBBS][1.19],*

storage or memory [1.10], an operating system.....", col.30, line 43-col31, line 10,

"...*Host's operating system loads a programmable application ["PA"] to provide database*

capabilities, files...database corresponds to at least one of the following:....copy of a set

of Harmonized Tariff Schedule [HTS}.........a copy of a set of Standard Industrial

Classification [SIC] code numbers.....". Col.7, line 40-col.9, line 32, "....*The host system*

is configured to store....two parallel sets of topic boards....one of the sets includes a

topic board for each number in the index of goods, and the other set includes a topic

board for each number in the index of establishments......Using a key word search, the

user would identify an Index Number like the one associated with "pearls"-7101...",

disclose that both HTS and SIC codes divide the goods/raw materials in groups based

upon different criteria.).

     means for processing the database, the processing means operably connected

to the data storage means (see at least FIG.1, "...MEMORY AND STOR AGE 1.10,

PROGRAMMABLE APPLICATION 1.9, TELECOMMUNICATIONS SOFTWARE 1.12,

TELECOMMUNCIATIONS HARDWARE 1.13, HARDWARE ELEMENTS OF CPU 1.14,

COMMUNICATIONS NETWORK 1.3, COMUUNICATIONS CONDUIT 1.15, ... ", col.

10, line 45-col.11, line 5, "...*containing programs to configure apparatus-specific topic-*

boards [i.e. TBBS][1.19], storage or memory [1.10], an operating system.....", col.30,

line 43-col31, line 10, "...*Host's operating system loads a programmable application*

["PA"] to provide database capabilities, files...database corresponds to at least one of

the following:....copy of a set of Harmonized Tariff Schedule [HTS}........a copy of a set

of Standard Industrial Classification [SIC] code numbers.....",)

      a first terminal having a means for data entry (see at least FIG.1, "...REMOTE

USER TERMINAL INPUT/OUTPIT DEVICE 1.1....... ", col.9, lines 15-43, "....Using a

key word search , the user would identify an Index Number like the one associated with "

pearls"-7101...", col. 10, line 45-col.11, line 5, "...containing programs to configure

apparatus-specific topic-boards [i.e. TBBS][1.19], storage or memory [1.10], an

operating system.....". Remote user terminal corresponds to a first terminal.) ; and

      means for communication between the processing means and the first terminal,

the communication means operably connected to the processing means and the first

terminal, such that a user may enter by the data entry means of the first terminal a

selected name identifier or a selected criterion for communication via the communication

means of the entered data to the processing means for subsequent selection from the

data storage means by the processing means of one of the at least one raw materials

matching the entered data (see at least FIG.1, "...MEMORY AND STORAGE 1.10,

PROGRAMMABLE APPLICATION 1.9, TELECOMMUNICATIONS SOFTWARE 1.12,

TELECOMMUNCIATIONS HARDWARE 1.13, HARDWARE ELEMENTS OF CPU 1.14,

COMMUNICATIONS NETWORK 1.3, COMUUNICATIONS CONDUIT 1.15, RMOTE

USER TERMINAL INPUT/OUTPIT DEVICE 1.1....... ", col.9, lines 15-43, "....Using a

key word search , the user would identify an Index Number like the one associated with "

pearls"-7101...", col. 10, line 45-col.11, line 5, "...containing programs to configure

apparatus-specific topic-boards [i.e. TBBS][1.19], storage or memory [1.10], an

operating system.....", col.30, line 43-col31, line 10, "...Host's operating system loads a

programmable application ["PA"] to provide database capabilities, files...database

corresponds to at least one of the following:....copy of a set of Harmonized Tariff

Schedule [HTS}.........a copy of a set of Standard Industrial Classification [SIC] code

numbers.....", col.12, lines 31-37, *"....If the user already knew his Index*

Number.....would have displayed a menu to assist the user to select either the HTS or

SIC topic boards to enter the goods or service topics, respectively ["goods' n services

menu"][2.15]. This is the same menu to which users proceed following the completion of

a search from the look-up menu.....". Note: Hoffer, like the applicant provides a system

to exchange information on ingredients/goods to remote user terminals.)

Regarding claim 2, wherein the at least one raw material comprises at least

One Ingredient (see at least FIG.2, " HTS INDEX 2.8", "SIC INDEX 2.9 ". Both HTS and

SIC codes divide the goods/raw materials in groups [see col.7, line 40-col.9, line 32]

based upon different criterion). The HTS and SIC indices would encompass goods

including both raw materials and their ingredients as well.

Regarding claim 3, Hoffer teaches that the at least one ingredient is of the type

used in one or more of the group of industries consisting of the food, beverage,

cosmetic, personal care, and pharmaceutical industries (see at least col.7, line 40-col.9,

line 32. Hoffer discloses that SIC [Standard Industrial Classification Manual (1987)]

codes classify the goods [raw materials/ingredients] in groups based upon type of

industries/establishments (see at least col.7, lines 46-49, and 55-59,). To show that this

characteristic is necessarily present in SIC Manual (1987) see SIC search results, which

are publicly available, for an ingredient "color" (web pages extracted from www.osha.gov

web site on 08/08/2003, hereinafter referred to as SIC1987. The 3 web pages of

SIC1987 are marked as pages 1, 2, and 3. On page 3 the ingredient color is grouped

under different indices like 2087 to be used as food color in food industry and 2844 to be

used for hair coloring preparations in cosmetics area.

With regards to using an extrinsic or additional reference for 35 U.S.C. 102 rejection, see

MPEP 2131.01 Multiple Reference 35 U.S.C. 102 Rejection III To Show That A

Characteristic Not Disclosed In The Reference is Inherent, and court cases: *Continental*

Can Co. USA v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2nd 1746, 1749

(Fed.Cir.1991).

Regarding claim 4, Hoffer shows that the system of claim 1, wherein the at least

one criterion comprises at least one classification (see at least FIG.2, " HTS INDEX 2.8",

"SIC INDEX 2.9 ". Both HTS and SIC codes classify the goods/raw materials in groups

[see col.7, line 40-col.9, line 32] based upon different criteria).

Regarding claim 7, Hoffer shows that the at least one raw material is of the type

useful in industries having more than one SIC code associated therewith (see at least

col.7, line 40-col.9, line 32. Hoffer discloses that SIC [Standard Industrial Classification

Manual (1987)-a publicly available source] codes classify the goods [raw-

materials/ingredients] in groups based upon type of industries/establishments (see at

least col.7, lines 46-49, and 55-59,). To show that this characteristic is necessarily

present in SIC Manual (1987) see SIC search results, which are publicly available, for an

ingredient "color" (web pages extracted from www.osha.gov web site on 08/08/2003,

hereinafter referred to as SIC1987. The 3 web pages of SIC1987 are marked as pages

1, 2, and 3. On page 3 the ingredient color is grouped under different indices like 2087 to

be used as food color in food industry and 2844 to be used for hair coloring preparations

in cosmetics area.

With regards to using an extrinsic or additional reference for 35 U.S.C. 102

rejection, see MPEP 2131.01 Multiple Reference 35 U.S.C. 102 Rejection III To Show

That A Characteristic Not Disclosed In The Reference is Inherent, and court case:

Continental Can Co. USA v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2nd 1746,

1749 (Fed.Cir.1991).

Regarding claim 8, Hoffer shows that the at least one raw material is of the type

useful in goods having more than one HTS index associated therewith (see at least

col.7, line 40-col.9, line 32. Hoffer discloses that HTS [Harmonized Tariff Schedule of the

Unites States-a publicly available source that provides index of names or numbers of

product [raw materials/ingredients] classification (see at least col.7, lines 40-45, and 50-

55,). To show that this characteristic is necessarily present in HTS see HTS search

results, which are publicly available, for an ingredient "sugar" (web pages extracted from

www.askjeeves.com web site on 08/08/2003, hereinafter referred to as HTScodes.

HTS codes comprised 170 pages and for reference sake first page and the relevant

page containing HTS codes for sugar are enclosed. The 2 web pages of HTScodes are

marked as pages 1, and 2. On page 2 the ingredient sugar has more than one HTS

index associated with it like: 170111, 170112....170199, 1702..._).

With regards to using an extrinsic or additional reference for 35 U.S.C. 102

rejection, see MPEP 2131.01 Multiple Reference 35 U.S.C. 102 Rejection III To Show

That A Characteristic Not Disclosed In The Reference is Inherent, and court cases:

Continental Can Co. USA v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2nd 1746,

1749 (Fed.Cir.1991) ,

Regarding claim 9, Hoffer discloses that the first terminal comprises a means

for data retention for receipt of database information for the selected at least one raw

material (see at least (col.10, lines 48-59, "...*Each of plurality of computer terminals*

[1.1].....They may retrieve or send data....random access memory has a communication

software package...", col.13, lien 63-col.14, line 3, "......*the user's terminal those*

messages stored or received.....In the course of the user's message retrieval

attempt......each message displayed ". Note: computer terminals [1.1] correspond to first

terminal).

Regarding claim 10, Hoffer shows that the data retention means comprises a

storage means (col.10, lines 48-59, "...*Each of plurality of computer terminals*

[1.1].....They may retrieve or send data....random access memory has a communication

software package...", col.13, lien 63-col.14, line 3, "......*the user's terminal those*

messages stored or received.....In the course of the user's message retrieval

attempt......each message displayed ". Note: computer terminals [1.1] correspond to first

terminal).

Regarding claim 11, Hoffer shows that the data retention means comprises a

display

Means (col.11, lines 25-37, "*.....service contract display.......menu content....image on*

the host and remote terminal monitors).

Regarding claim 16, Hoffer further comprises a second terminal operably

connected to the communication means (see at least col.10, lines 48-51, "...*Each of*

computer terminals (1.1)...are provisioned with modems or communication modules....to

communicate with the Host......". Note: Hoffer teaches that there are more than one

remote terminals).

Regarding claim 17, the limitations are covered under the limitations of claim 1

and are therefore analyzed and rejected on the basis of same rationale.

Regarding claim 18, Hoffer teaches that the first and second terminals

communicate via the communication means (see at least col.2, lines 47-51, "... *The*

remote terminals are capable of serial data exchange using terminal programs that

enable the remote user to control his modem, send and receive data over serial links

and transfer data or program files between computers directly or over public or private

communications network ", and col.6, lines 60-64, col.7, lines 29-33).

Regarding claim 19, Hoffer teaches a method of exchange of at least one raw

material, the method comprising the steps of.

providing the system of claim 1 (all the elements of this limitations correspond to

claim 1 and are therefore analyzed and rejected on the basis of same rationale);

establishing communication via the communication means between the first

terminal and the processing means (see at least col.10, lines 48-51, "... *Each of*

computer terminals (1.1)...are provisioned with modems or communication modules....to

communicate with the Host Terminal System...");

entering at the data entry means of the first terminal either a name identifier or an

at least one criterion (see at least col.9, lines 15-32, "....*First he prompts ...enter topic*

boards...Using a key word search, ..."pearls"....he would enter input for....HTS

index...". Note: "pearls" correspond to a name identifier and HTS index correspond to a

criterion as HTS codes classify goods/raw materials into different groups/sections)   ;

with the processing means, selecting one of the at least one raw materials from

the database that satisfied the data entered; and communicating the selected at least

one raw material to the first terminal from the processing means via the communication

means (see at least col.9, lines 15-43, "....*Using a key word search , the user would*

identify an Index Number like the one associated with " pearls"-7101......selectively

retrieve messages ...", col. 10, line 45-col.11, line 5, "...*containing programs to configure*

apparatus-specific topic-boards [i.e. TBBS][1.19], storage or memory [1.10], an

operating system.....", col.30, line 43-col31, line 10, "...*Host's operating system loads a*

programmable application ["PA"] to provide database capabilities, files...database

corresponds to at least one of the following:....copy of a set of Harmonized Tariff

Schedule [HTS}........a copy of a set of Standard Industrial Classification [SIC] code

numbers.....", col.12, lines 31-37, "....*If the user already knew his Index*

Number.....would have displayed a menu to assist the user to select either the HTS or

SIC topic boards to enter the goods or service topics, respectively [" goods' n services

menu"][2.15]. This is the same menu to which users proceed following the completion of

a search from the look-up menu.....". Note: Hoffer, like the applicant, provides a system

to exchange information on ingredients/goods like "pearls", retrieves corresponding

information on "pearls" from a database at Host system, associated with the

corresponding HTS or SIC codes, and sends them to the users. In Hoffer the menu of

goods and services include name identifiers, like "pearls").

Regarding claim 20, Hoffer teaches that the at least one raw material is of the

type useful in industries having more than one SIC code associated therewith (this

limitation corresponds to the limitation recited in claim 7 and is therefore analyzed and

rejected n the basis of same rationale), such that the selected at least one raw material

is not depended upon SIC code (see at least col.7, lines 1-col.8, line 8. Hoffer teaches

that selection of raw material/goods can be either on the basis of SIC codes or HTS

index. Therefore, selection does not have to depend only on SIC code).

Regarding claim 21, its limitations are covered by the limitations of claims 16-17

and are therefore analyzed and rejected on the basis of same rationale.

Claim Rejections - 35 USC § 103

6   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as

set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability

shall not be negatived by the manner in which the invention was made.

6.1.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer

and further in view of Cusack et al. (US Patent 6,493,724 B1), hereinafter, referred to as

Cusack.

Regarding claim 5, Hoffer teaches a system for the exchange of at least one

raw material as analyzed and disclosed in claim 1, above. Hoffer does not disclose that

the at least one criterion comprises at least one certification.

Cusack, in the analogous art of matching the criteria of the search requests of buyers for

a particular sample from the sellers (see abstract) teaches that the at least one criterion

comprises at least one certification (see at least col.12, lines 64-67, "... *Medical record*

available allows the buyer......Doctor certified allows the sample provider to limit the

search to results which have been certified by a physician ".).

In view of Cusack, it would have been obvious to a person of an ordinary skill in

the art at the time of the invention to have modified Hoffer so that the at least one

criterion comprises at least one certification because it would enable the buyers to

search and receive raw material/goods/ingredients in a convenient, cost effective and

timely manner according to specified criteria to a greater degree of satisfaction to the

buyer, as explicitly disclosed in Cusack (see at least col.1, lines 54-65).

6.2.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer

and further in view of Ahlinder et al. (US Patent 6,033, 444), hereinafter, referred to as

Ahlinder.

Regarding claim 6, Hoffer teaches a system for the exchange of at least one

raw

material as analyzed and disclosed in claim 1, above. Hoffer does not disclose that the

at least one criterion comprises at least one registration.

Ahlinder, in the same field of endeavor, i.e. buying color as an ingredient to be

used in foodstuffs, teaches that the at least one criterion comprises at least one

registration (see at least col.1, line 57-col.2, line 53,"....two optically cooperating

dyestuffs that are approved for foodstuffs....one of which is quinacridone red with the

FDA registration data C.I. pigment violet 19,, ... ".).

In view of Ahlinder, it would have been obvious to a person of an ordinary skill in

the art at the time of the invention to have modified Hoffer so that the at least one

criterion comprises at least one registration because it would ensure the buyers about its

use for mass consumption as an ingredient in the foodstuffs, as explicitly disclosed in

Ahlinder (see at least abstract).

6.3.   Claim 12 is rejected under 35 U.S.C. 103(a) as being obvious over Hoffer in view
of Official Notice.

Regarding claim 12, Hoffer teaches a system for the exchange of at least one

raw material as analyzed and disclosed in claim 9, above. Hoffer further discloses

means for displaying and downloading (see at least col.11, lines 25-30). Hoffer does not

disclose that the data retention means comprises a printing means.

Official Notice is taken of both the old and well known concept and benefits of the

printing means associated with data retention means such as computer memory for

printing to print requests for offers confirmed orders, information about products, bills, _

shipping information, etc. while buying and selling goods on the Internet. It would have

been obvious to a person of an ordinary skill in the art at the time of the invention to

have modified Hoffer to include printer means because it would help the buyers and

sellers using the terminal units to print the information displayed and downloaded by the

users to read them and store them to read and reuse them at a later date.

6.4.   Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Hoffer

and further in view of Cusack.

Regarding claims 13 and 14, Hoffer teaches a system for the exchange of at

least

one raw material as analyzed and disclosed in claim 1, above. Hoffer further discloses

the log-on and registration processes with credit card information (see at least col.11,

lines 23-25). Hoffer does not explicitly disclose that the first terminal comprises a means for receipt of a user identifier, such user identifier required for receipt of information about the selected at least one raw material and wherein the user identifier includes a password.

Cusack, in the analogous art of matching the criteria of the search requests of buyers for a particular sample from the sellers (see abstract) discloses that the first terminal comprises a means for receipt of a user identifier, such user identifier required for receipt of information about the selected at least one raw material and wherein the user identifier includes a password (see at least FIG.4, " buyer id".....".seller id", FIG.5, " Select User Name and Password-26 ", FIG.7, " Select User Name and Password -36").

In view of Cusack, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to have modified Hoffer so that the first terminal comprises a means for receipt of a user identifier, such user identifier required for receipt of information about the selected at least one raw material and wherein the user identifier includes a password because the system for exchange of at least one raw material is intended to be performed for authorized users. Steps to enhance transactional security for the users represent obvious modification to the prior process taught by Hoffer.

6.5.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer and in view of Cusack and further in view of Dolphin (US Patent 5,703,951).

Regarding claim 15, Hoffer/Cusack teaches a system for the exchange of at least one raw material wherein the first terminal comprises a user identifier as analyzed and disclosed in claim 13, above. Hoffer/Cusack does not disclose that the user identifier includes an electronic signature.

Dolphin, in the analogous art of controlling access to available data on Internet,

discloses that the user identifier includes an electronic signature (see at least col.11,

lines 47-51, " ....*In step 92, the billing/access center reads the electronic request and*

authenticates the subscriber by checking the electronic signature of the message ...",

col.16, lines 26-45.).

In view of Dolphin it would have been obvious to a person of an ordinary skill in

the art at the time of the invention to have modified Hoffer/Cusack so that the user

identifier includes an electronic signature for authenticating the subscribers because the

electronic signature would permit only authorized users to access the system for

exchange of raw materials; thereby enhancing security of the transactions.

6.6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer

and in further in view of Golden et al. (US Patent 5,761,648), hereinafter referred to as

Golden.

Regarding claim 22, the following limitations:

data storage means;

processing means operably connected to the data storage means;

data representing the at least one raw material, the data representative of at

least one criterion associated with the at least one raw material, the data stored in the

data storage means;

a first terminal having a data entry means; and

communication means operably connected to the processing means and the first

terminal;

are covered by the limitations of claim 1 and are therefore analyzed and rejected

on the basis of same rationale.

Hoffer discloses all the above limitations as analyzed above. Hoffer does not disclose an electronic certificate representing the at least one criterion is stored in the database.

Golden, in the same field of interactive marketing, discloses storing of electronic certificates representing identification data in a data storage means (see at least abstract, "...*A data processing system issuing electronic certificates through "online" networks ......Each electronic certificate includes transaction data and identification data........electronically stored in a designated database....* ",col.1, line 5-col.2, line 41, col.7, line 59-col.8, line 40. The electronic certificate is a digital data file available on a data storage means and can be transferred to another remote terminal via communication means, interpreted as per disclosure, see pg.8, lines 1-7).

In view of Golden, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to have modified Hoffer to include the concept of using electronic certificates to transmit data, as explicitly disclosed in Golden because transmitting data in the form of electronic certificates to a plurality of users will be efficient, faster and economical as compared to sending the data on paper by mail or facsimile.

Golden does not disclose that the data in electronic certificates represents a criterion. The data representing a criterion contained in the electronic certificate is not *functionally related* to the data storage means. Rather this is just being held in the medium. As a result, this data can be called nonfunctional descriptive material and does not limit the claim. Thus this *descriptive material* will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any electronic certificates, irrespective of the data it represents, in the data storage means as shown in Golden because such data does not functionally relate to the data storage means and merely labeling the data contained in the electronic certificate differently from the prior art would have been obvious. See Gulack cited above.

6.7.   **Regarding claim 23**, the limitation " wherein the at least one criterion further comprises at least one certification", is covered by the limitation of claim 5 and is therefore analyzed and rejected on the basis of same rationale.

6.8.   **Regarding claims 24 and 26**, the limitation, ' wherein the at least one criterion further comprises at least one registration", is covered by the limitation of claim 6 and is therefore analyzed and rejected on the basis of same rationale.

6.9.   **Regarding claims 25, 27, and 28,** Hoffer/Golden teaches that the at least one criterion comprises at least one characteristic (see at least Hoffer col.7, line 1-col. 9, line 32. Hoffer teaches that goods [raw material/ingredients] are grouped into HTS and SIC codes. HTS and SIC codes correspond to a characteristic).

7.   **Regarding claims 29-31**, their limitations are covered by the limitations of claims 22, 19, and 17 and are therefore analyzed and rejected on the basis of same rationale.

8   **Regarding claims 32-40**, their limitations are covered by the limitations of claims 1-31 and are therefore analyzed and rejected on the basis of same rationale.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US patent 6,131,087 to Luke et al. teaches a method and system for identifying, matching buyers and sellers in electronic market transactions (see at least abstract).

(ii) US Patent 6,601,043 B1 to Purcell teaches a method for exchanging information between sellers and users of products and services on Internet (see at least abstract).

(iii) WO 94/23383 to EC Corp. teaches a method and system to retrieve product information for the users matching their interests and requirements and convey to them via network (see page 2, lines 15-34).

(iv) Casey, Michael, " Power of the Internet Ensures Supply And Demand Will Never Be the Same ", Wall Street Journal; New York; Oct 18, 1999; pg.1, 3 pgs; extracted on Internet on 008/06/2003 from http://proquest.umi.com teaches matching prospective buyers will sellers in cyberspace.

(v) Ojala, Marydee, " Competitor data for the business plan "; Database; Weston; Oct 1995; Vol.18, Iss 5; pg 82, 3 pgs; extracted on Internet on 008/06/2003 from http://proquest.umi.com teaches to find SIC codes from existing databases and use them for identifying competitor companies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

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Center (EBC) at 866-217-9197 (toll-free).

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